REMARKS

Claim Rejections

Claims 1 and 2 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Chuang (U.S. 5,931,568) in view of prior art admitted by the applicant.

Drawings

It is noted that no Patent Drawing Review (Form PTO-948) was received with the outstanding Office Action. Thus, Applicant must assume that the drawings are acceptable as filed.

Claim Amendments

By this Amendment, Applicant has amended claim 1 of this application. It is believed that the amended claims now specifically set forth each element of Applicant's invention in full compliance with 35 U.S.C. § 112, and define subject matter that is patentably distinguishable over the cited prior art, taken individually or in combination.

The primary reference to Chuang teaches a Christmas lamp structure having a base (1), a lamp body (2) removably inserted into the base, and a casing (3) removably connected to the base with the lamp body located there between. The lamp body includes a seat (21), a bulb body (22), and a bulb body holder (23).

Applicant submits that the present invention is distinguishable from Chuang as detailed in the chart below.

Chuang	Present Invention
The bulb and lamp shade are separately formed and are then removably combined on the mounting base.	The lamp shade of the present inventions is formed with the bulb after manufacture such that manufacturing process and the manufacturing cost are reduced.

Chuang	Present Invention
The lamp shade is detachably connected to the bulb such that after a high temperature is generated by the bulb, detachment is the bulb is dangerous.	During the formation of the lamp shade, the size of the lamp shade is controlled so that the overall volume is reduced.
The luminosity and heat are significantly influenced by the lamp shade.	The luminosity and heat dissipation are not affected by the lamp shade in that the thickness of the lamp shade is controlled during the manufacturing process and the material of the lamp shade may be adopted to be the same as that of the bulb.
The bulb temperature is high.	The lamp shade (after combination with the bulb) has a low temperature.
When necessary to change the appearance of the lamp shade, the mounting base needs to be changed as well, which increases the manufacturing cost and is inconvenient.	Due to the integral formation of the lamp shade and te bulb, the appearance is quickly changed as required and the dimension of the lamp shade will be the same as that of the mounting base.

Chuang does not teach a closed lamp shade integrally formed with the bulb enclosing the bulb therein and having the two magnesium wires extending outwardly therefrom.

Applicant's admitted prior art is cited for teaching two magnesium wires. Applicant's admitted prior art does not teach a closed lamp shade integrally formed with the bulb enclosing the bulb therein and having the two magnesium wires extending outwardly therefrom.

Even if the teachings of Chuang and Applicant's admitted prior art were combined, as suggested by the Examiner, the resultant combination does not suggest: a closed lamp shade integrally formed with the bulb enclosing the bulb therein and having the two magnesium wires extending outwardly therefrom.

It is a basic principle of U.S. patent law that it is improper to arbitrarily pick and choose prior art patents and combine selected portions of the selected patents

on the basis of Applicant's disclosure to create a hypothetical combination which allegedly renders a claim obvious, unless there is some direction in the selected prior art patents to combine the selected teachings in a manner so as to negate the patentability of the claimed subject matter. This principle was enunciated over 40 years ago by the Court of Customs and Patent Appeals in In re Rothermel and Waddell, 125 USPQ 328 (CCPA 1960) wherein the court stated, at page 331:

> The examiner and the board in rejecting the appealed claims did so by what appears to us to be a piecemeal reconstruction of the prior art patents in the light of appellants' disclosure. ... It is easy now to attribute to this prior art the knowledge which was first made available by appellants and then to assume that it would have been obvious to one having the ordinary skill in the art to make these suggested reconstructions. While such a reconstruction of the art may be an alluring way to rationalize a rejection of the claims, it is not the type of rejection which the statute authorizes.

The same conclusion was later reached by the Court of Appeals for the Federal Circuit in Orthopedic Equipment Company Inc. v. United States, 217 USPQ 193 (Fed.Cir. 1983). In that decision, the court stated, at page 199:

> As has been previously explained, the available art shows each of the elements of the claims in suit. Armed with this information, would it then be non-obvious to this person of ordinary skill in the art to coordinate these elements in the same manner as the claims in suit? The difficulty which attaches to all honest attempts to answer this question can be attributed to the strong temptation to rely on hindsight while undertaking this evaluation. It is wrong to use the patent in suit as a guide through the maze of prior art references, combining the right references in the right way so as to achieve the result of the claims in suit. Monday morning quarterbacking is quite improper when resolving the question of non-obviousness in a court of law.

In In re Geiger, 2 USPQ2d, 1276 (Fed.Cir. 1987) the court stated, at page 1278:

> We agree with appellant that the PTO has failed to establish a *prima facie* case of obviousness. Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching suggestion or incentive supporting the combination.

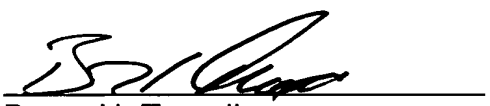
Applicant submits that there is not the slightest suggestion in either Chuang or Applicant's admitted prior art that their respective teachings may be combined as suggested by the Examiner. Case law is clear that, absent any such teaching or suggestion in the prior art, such a combination cannot be made under 35 U.S.C. § 103.

Neither Chuang nor Applicant's admitted prior art disclose, or suggest a modification of their specifically disclosed structures that would lead one having ordinary skill in the art to arrive at Applicant's claimed structure. Applicant hereby respectfully submits that no combination of the cited prior art renders obvious Applicant's new claims.

Summary

In view of the foregoing amendments and remarks, Applicant submits that this application is now in condition for allowance and such action is respectfully requested. Should any points remain in issue, which the Examiner feels could best be resolved by either a personal or a telephone interview, it is urged that Applicant's local attorney be contacted at the exchange listed below.

Respectfully submitted,

Date: June 27, 2005 By: 

Bruce H. Troxell
Reg. No. 26,592

TROXELL LAW OFFICE PLLC
5205 Leesburg Pike, Suite 1404
Falls Church, Virginia 22041
Telephone: 703 575-2711
Telefax: 703 575-2707